IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION F. NO.110 OF 2005
IN
FIRST APPEAL NO.1750 OF 2002

Shri Gopal Krishna Ponkshe,
since deceased through his L.Rs
1A) Smt Latika Gopal Ponkshe
and ors. Applicants.

Vs.

1.The State of Maharashtra
and anr. Respondents.

Mr.A.A.kumbhakoni, for the applicants.
Mr.K.K.Tated, AGP for the respondents.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : JANUARY 17, 2005.

P.C.

1. Heard both sides.

2. It is the applicant-original claimants' application for release of the amount which has been deposited in this Court as per the order dated 13.12.2002 passed at the time of admission of the Appeal. The total deposited amount is Rs.21,04,280/-. Except the amount which was payable under the Award, nothing from the enhanced amount has been paid to the applicants. The land is situated at Kothrud, Pune which area is fully developed. The

land has also been acquired for the purpose of school. Taking all these aspects into consideration, we are inclined to release the amount of Rs.five lacs without surety, further five lacs on furnishing solvent surety to the satisfaction of the trial Court, and the remaining amount of Rs.11,04,280/- is to be deposited in a nationalised Bank till the final disposal of the Appeal. However, interest of that amount will be payable to the applicant-original claimants. Therefore, we pass the following order.

(a) The executing Court is hereby directed to release the amount of Rs. five lacs in favour of the applicants-original claimants without obtaining any surety.

(b) Further amount of Rs.Five lacs be released in favour of the applicants-original claimants on furnishing a solvent continuous surety to the satisfaction of the trial Court till the final disposal of the appeal.

(c) Remaining amount of Rs.11,04,280/- be deposited in a nationalised Bank initially for a period of three years and thereafter on year to year basis till the final disposal of the appeal.

(d) Interest which will be getting on this amount be paid to the applicants-original claimants as and when paid by the Bank.

(e) The civil application is disposed of.

(D.B.Bhosale, J.) **(S.B.MHASE, J.)**

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